

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10
11 VERNON JAMES ANDERSON, 1:11-cv-640-JLT (HC)
12 Petitioner,
13 vs.
14 ORDER TRANSFERRING CASE TO THE
15 UNITED STATES DISTRICT COURT FOR
16 THE CENTRAL DISTRICT OF
17 CALIFORNIA
18
19 THE PEOPLE OF THE STATE OF
20 CALIFORNIA,
21 Respondent.

22 /
23
24 Petitioner, a state prisoner proceeding pro se, has filed a habeas corpus action pursuant to 28
25 U.S.C. § 2254, together with a request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

26 The federal venue statute requires that a civil action, other than one based on diversity
27 jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants
28 reside in the same state, (2) a judicial district in which a substantial part of the events or omissions
giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is
situated, or (3) a judicial district in which any defendant may be found, if there is no district in which
the action may otherwise be brought.” 28 U.S.C. § 1331(b).

29 In this case, a review of the California court system’s electronic database indicates that the state
30 conviction that forms the basis for the instant petition occurred in Los Angeles County, which is in the

1 District of California. Therefore, the petition should have been filed in the United States District Court
2 for the Central District of California. In the interest of justice, a federal court may transfer a case filed
3 in the wrong district to the correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918,
4 932 (D.C. Cir. 1974).

5 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United States
6 District Court for the Central District of California.

7
8 IT IS SO ORDERED.

9 Dated: April 28, 2011

/s/ Jennifer L. Thurston
10 UNITED STATES MAGISTRATE JUDGE

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28